

Passage of today's bill establishing an Erie Canalway National Heritage Corridor will be a great step forward in further embellishing that corridor and helping to serve as both an economic and recreational catalyst for that region of New York State.

So I urge everyone to support this very fine bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1752, S. 1474, S. Con. Res. 114, S. 698, S. 1438, H.R. 5478, S. 2749 and H.R. 5375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 426

Mr. ROHRBACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 426.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### OLDER AMERICANS ACT AMENDMENTS OF 2000

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003, as amended.

The Clerk read as follows:

H.R. 782

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Amendments of 2000".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

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Sec. 309. Nutrition services incentive program.

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Sec. 311. Supportive services and senior centers.

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Sec. 313. Nutrition requirements.

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#### TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Projects and programs

#### TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

Sec. 501. Amendment to title v of the older americans act of 1965.

#### TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

Sec. 601. Eligibility.

Sec. 602. Applications.

Sec. 603. Authorization of appropriations.

Sec. 604. General provisions.

#### TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

Sec. 701. Authorization of appropriations.

Sec. 702. Allotment.

Sec. 703. Additional State plan requirements.

Sec. 704. State long-term care ombudsman program.

Sec. 705. Prevention of elder abuse, neglect, and exploitation.

Sec. 706. Assistance programs.

Sec. 707. Native american programs.

#### TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

#### TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

##### SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (3), by striking "the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) by striking paragraph (12) and inserting the following:

"(12) The term 'disease prevention and health promotion services' means—

"(A) health risk assessments;

"(B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;

"(C) nutritional counseling and educational services for individuals and their primary caregivers;

"(D) health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(i) an institution of higher education;

"(ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(iii) a community-based organization;

"(F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

"(K) gerontological counseling; and

"(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).";

(3) by striking paragraph (18) and redesignating paragraphs (19), (20), (21), and (22) as paragraphs (18), (19), (20), and (21);

(4) by striking paragraphs (19) and (20) (as redesignated) and inserting the following:

"(19) The term 'in-home services' includes—

"(A) services of homemakers and home health aides;

“(B) visiting and telephone reassurance;  
 “(C) chore maintenance;  
 “(D) in-home respite care for families, and adult day care as a respite service for families;  
 “(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);  
 “(F) personal care services; and  
 “(G) other in-home services as defined—  
 “(i) by the State agency in the State plan submitted in accordance with section 307; and  
 “(ii) by the area agency on aging in the area plan submitted in accordance with section 306.  
 “(20) The term ‘Native American’ means—  
 “(A) an Indian as defined in paragraph (5); and  
 “(B) a Native Hawaiian, as defined in section 625.”;

(5) by striking paragraph (23) and redesignating paragraphs (24) through (35) as paragraphs (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33);

(6) by striking paragraph (36) and redesignating the remaining paragraphs; and  
 (7) by adding at the end the following:

“(42) The term ‘family violence’ has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).

“(43) The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).”

## **TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987**

### **Subtitle A—Amendments to Title II of the Older Americans Act of 1965**

#### **SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.**

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—  
 (A) by striking paragraph (9) and redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11) respectively;

(B) by striking paragraphs (13) and (14) and redesignating the remaining paragraphs;

(C) in paragraph (15) (as redesignated), by inserting “and older individuals residing in rural areas” after “low-income minority individuals”;

(D) in paragraph (18)(B) (as redesignated), by striking “1990” and inserting “2000”;

(E) by striking paragraph (19) (as redesignated) and inserting the following:

“(19) conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;”;

(F) by striking paragraph (21) (as redesignated) and inserting the following:

“(21) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number to identify community resources for older individuals;”;

(G) by striking paragraph (24) (as redesignated) and inserting the following:

“(24) establish and carry out pension counseling and information programs described in section 215;”;

(H) by striking paragraph (27) and redesignating the remaining paragraphs;

(I) by adding a new paragraph (27):

“(27) improve the delivery of services to older individuals living in rural areas through—

“(A) synthesizing results of research on how best to meet the service needs of older individuals in rural areas;

“(B) developing a resource guide on best practices for States, area agencies on aging, and service providers;

“(C) providing training and technical assistance to States to implement these best practices of service delivery; and

“(D) submitting a report on the States’ experiences in implementing these best practices and the effect these innovations are having on improving service delivery in rural areas to the relevant committees not later than 36 months after enactment.”;

(2) in subsection (d)(4), by striking “1990” and inserting “2000”; and

(3) by adding at the end the following:

“(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.  
 “(2) The process for developing the performance outcome measures described in paragraph (1) shall include—  
 “(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);  
 “(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;  
 “(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and  
 “(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.”.

“(2) The process for developing the performance outcome measures described in paragraph (1) shall include—

“(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);

“(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;

“(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and

“(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.”.

#### **SEC. 202. FEDERAL AGENCY CONSULTATION.**

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended—

(1) in section 203(a)(3)(A), by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”;

(2) by striking section 204 and inserting the following:

#### **“SEC. 204. GIFTS AND DONATIONS.**

“(a) GIFTS AND DONATIONS.—The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.  
 “(b) USE OF GIFTS AND DONATIONS.—Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or non-

profit private entities, for the following activities:

“(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

“(2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.

“(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.

“(c) ETHICS GUIDELINES.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

“(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or

“(2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.”;

(3) in section 205, by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c);

(4) by redesignating section 215 as section 216; and

(5) by inserting after section 214 the following:

#### **“SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.**

“(a) DEFINITIONS.—In this section:

“(1) PENSION AND OTHER RETIREMENT BENEFITS.—The term ‘pension and other retirement benefits’ means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

“(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

“(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

“(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

“(D) employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

“(2) PENSION COUNSELING AND INFORMATION PROGRAM.—The term ‘pension counseling and information program’ means a program described in subsection (b).

“(b) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.

“(c) ELIGIBLE ENTITIES.—The Assistant Secretary shall award grants under this section to—

“(1) State agencies or area agencies on aging; and

“(2) nonprofit organizations with a proven record of providing—

“(A) services related to retirement of older individuals;

“(B) services to Native Americans; or

“(C) specific pension counseling.

“(d) CITIZEN ADVISORY PANEL.—The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

“(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including—

“(1) a plan to establish a pension counseling and information program that—

“(A) establishes or continues a State or area pension counseling and information program;

“(B) serves a specific geographic area;

“(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

“(D) provides information on sources of pension and other retirement benefits;

“(E) establishes a system to make referrals for legal services and other advocacy programs;

“(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

“(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

“(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

“(I) makes recommendations to the Administration, the Department of Labor and other Federal, State and local agencies concerning issues for older individuals related to pension and other retirement benefits; and

“(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas and low income retirees; and

“(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

“(f) CRITERIA.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

“(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

“(2) The ability of the entity to perform effective outreach to affected populations, par-

ticularly populations that are identified in need of special outreach.

“(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

“(4) The ability of the entity to provide services under the program on a statewide or regional basis.

“(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.

“(2) ELIGIBLE ENTITIES.—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

“(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

“(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.—

“(1) HOTLINE.—The Assistant Secretary shall enter into agreements with other Federal agencies to establish and administer a national telephone hotline that shall provide information regarding pension and other retirement benefits, and rights related to such benefits.

“(2) CONTENT.—Such hotline described in paragraph (1) shall provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

“(3) AGREEMENTS.—The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

“(i) REPORT TO CONGRESS.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—

“(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

“(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

“(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

“(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.

“(j) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 216 to carry

out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses.”.

#### SEC. 203. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in subsection (a), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(2) in subsection (c), by inserting “, older individuals residing in rural areas” after “minority individuals”;

(3) by striking subsection (g); and

(4) by redesignating subsection (h) as subsection (g).

#### SEC. 204. REPORTS.

Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended—

(1) in subsection (a)(4), by inserting “older individuals residing in rural areas,” after “low-income minority individuals,”; and

(2) in subsection (c)(5) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears.

#### SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) (as redesignated by section 202) is amended—

(1) in subsection (a)—

(A) by striking “(a) ADMINISTRATION.—” and inserting “(a) IN GENERAL.—”;

(B) by striking “1992” and all that follows through the period and inserting “2001, 2002, 2003, 2004, and 2005”; and

(C) by inserting “administration, salaries, and expenses of” after “appropriated for”; and

(2) by striking subsection (b) and inserting the following:

“(b) ELDERCARE LOCATOR SERVICE.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(c) PENSION COUNSELING AND INFORMATION PROGRAMS.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.”.

#### Subtitle B—Amendments to the Older Americans Act Amendments of 1987

#### SEC. 211. WHITE HOUSE CONFERENCE.

Title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by striking section 201;

(2) by redesignating sections 202, 203, 204, 205, 206, and 207, as sections 201, 202, 203, 204, 205, and 206, respectively;

(3) in section 201 (as redesignated by paragraph (2))—

(A) by striking subsections (a), (b), and (c) and inserting the following:

“(a) AUTHORITY TO CALL CONFERENCE.—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

“(b) PLANNING AND DIRECTION.—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of

the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

“(C) PURPOSE.—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

“(1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

“(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, medicare, and medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

“(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals.”; and

(B) in subsection (d)(2), by striking “and individuals from low-income families.” and inserting “individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.”;

(4) in section 202 (as redesignated by paragraph (2))—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(B) in subsection (b)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively;

(iii) in paragraph (1) (as redesignated by clause (ii))—

(I) by striking “subsection (a)(4)” and inserting “subsection (a)(3)”; and

(II) by striking “regarding such agenda,” and inserting “regarding such agenda, and”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “subsection (a)(6)” and inserting “subsection (a)(5)”; and

(C) in subsection (c), by adding at the end “Gifts may be earmarked by the donor or the executive committee for a specific purpose.”;

(5) in section 203(a) (as redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:

“(A) PRESIDENTIAL APPOINTEES.—Nine members shall be selected by the President and shall include—

“(i) 3 members who are officers or employees of the United States; and

“(ii) 6 members with experience in the field of aging, including providers and consumers of aging services.

“(B) HOUSE APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and 2 members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

“(C) SENATE APPOINTEES.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and 2 members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “Committee” and inserting “Committee for the Secretary”; and

(ii) by striking subparagraphs (D) and (E) and inserting the following:

“(D) establish the number of delegates to be selected under section 201(d)(2);

“(E) establish an executive committee consisting of 3 to 5 members, with a majority of such members being age 55 or older, to work with Conference staff; and

“(F) establish other committees as needed that have a majority of members who are age 55 or older.”; and

(C) by striking paragraph (3) and inserting the following:

“(3) VOTING; CHAIRPERSON.—

“(A) VOTING.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

“(B) CHAIRPERSON.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.”;

(6) by striking section 204 (as redesignated by paragraph (2)) and inserting the following:

#### “SEC. 204. REPORT OF THE CONFERENCE.

“(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

“(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.”; and

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

“(B) such sums as may be necessary for the fiscal year in which the Conference is held.”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “section 203(c)” and inserting “section 202(c)”; and

(ii) in paragraph (3), by striking “December 31, 1995” and inserting “December 31, 2005”.

#### TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

##### SEC. 301. PURPOSE.

Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

“(d)(1) Any funds received under an allotment as described in section 304(a), or funds contributed toward the non-Federal share under section 304(d), shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this title.

“(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).”.

##### SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”;

(2) by striking subsection (b) and inserting the following:

“(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”; and

(3) by striking subsections (d) through (g) and inserting the following:

“(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support) \$125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) (relating to part B, supportive services), paragraphs (1) (relating to subpart 1 of part C, congregate nutrition services) and (2) (relating to subpart 2 of part C, home delivered nutrition services) of subsection (b), and (d) (relating to part D, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1), paragraphs (1) and (2) of subsection (b), and subsection (d) of section 303 of the Older Americans Act of 1965 for fiscal year 2000.

“(2) There are authorized to be appropriated to carry out part E (relating to family caregiver support) such sums as may be necessary for each of the 4 succeeding fiscal years.

“(3) Of the funds appropriated under paragraphs (1) and (2)—

“(A) 4 percent of such funds shall be reserved to carry out activities described in section 375; and

“(B) 1 percent of such funds shall be reserved to carry out activities described in section 376.”

#### SEC. 303. ALLOTMENT; FEDERAL SHARE.

(a) IN GENERAL.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by striking subsection (a) and inserting the following:

“(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

“(2) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under paragraph (1) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (3).

“(3)(A) No State shall be allotted less than  $\frac{1}{2}$  of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

“(B) Guam and the United States Virgin Islands shall each be allotted not less than  $\frac{1}{4}$  of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

“(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than  $\frac{1}{6}$  of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term “State” does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(D) No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States.

“(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

“(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.”

(b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended in the first sentence by striking “part B or C” and inserting “part B or C, or subpart 1 of part E.”

#### SEC. 304. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended by—

(1) in paragraph (1)(E), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears; and

(2) in paragraph (2)—

(A) in subparagraph (E) by striking “,” and inserting “and older individuals residing in rural areas,” after “low-income minority individuals”;

(B) in subparagraph (G)(i) by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”; and

(C) in subparagraph (G)(ii) by inserting “and older individuals residing in rural

areas” after “low-income minority individuals”.

#### SEC. 305. AREA PLANS.

(a) IN GENERAL.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” in each place it appears;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “section 307(a)(22)” and inserting “section 307(a)(2)”;

(B) in subparagraph (B), by striking “services (homemaker)” and all that follows through “maintenance, and” and inserting “services, including”; and

(C) in the matter following subparagraph (C), by striking “and specify annually in such plan, as submitted or as amended,” and inserting “and assurances that the area agency on aging will report annually to the State agency”;

(3) in paragraph (3)(A), by striking “paragraph (6)(E)(ii)” and inserting “paragraph (6)(C)”;

(4)(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4);

(5) in paragraph (4)(A)(i) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals”;

(6) in paragraph (4)(A)(ii) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(7) in paragraph (4)(B)(i) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(8) in paragraph (4)(C) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”;

(9) by inserting after paragraph (4) (as redesignated by paragraph (3)) the following:

“(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities.”;

(10) in paragraph (6)—

(A) by striking subparagraphs (A), (B), (G), (I), (J), (K), (L), (O), (P), (Q), (R), and (S);

(B) by redesignating subparagraphs (C), (D), (E), (F), (H), (M), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively;

(C) in subparagraph (C) (as redesignated by subparagraph (B)), by striking “or adults” and inserting “, assistance to older individuals caring for relatives who are children”;

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by inserting “and older individuals residing in rural areas” after “minority individuals”; and

(E) in subparagraph (F) (as redesignated by subparagraph (B)), by adding “and” after the semicolon;

(11) by striking paragraphs (7) through (13) and inserting the following:

“(7) provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

“(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

“(B) involvement of long-term care providers in the coordination of such services; and

“(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;

“(8) provide that case management services provided under this title through the area agency on aging will—

“(A) not duplicate case management services provided through other Federal and State programs;

“(B) be coordinated with services described in subparagraph (A); and

“(C) be provided by a public agency or a nonprofit private agency that—

“(i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

“(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

“(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

“(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

“(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

“(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

“(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as ‘older Native Americans’), including—

“(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

“(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

“(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and

“(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.”;

(12) by redesignating paragraph (14) as paragraph (13);

(13) by inserting after paragraph (13) (as redesignated by paragraph (7)) the following:

“(14) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial

relationship that is not carried out to implement this title; and

“(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.”; and

(14) by striking paragraphs (17) through (20).

(b) **WAIVERS.**—Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended—

(1) in paragraph (1), by striking “(1)” and inserting before the period “and had conducted a timely public hearing upon request”; and

(2) by striking paragraph (2).

#### **SEC. 306. STATE PLANS.**

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

“(1) The plan shall—

“(A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306; and

“(B) be based on such area plans.

“(2) The plan shall provide that the State agency will—

“(A) evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

“(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

“(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306(b) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

“(3) The plan shall—

“(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

“(B) with respect to services for older individuals residing in rural areas—

“(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

“(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

“(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

“(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities, with particular attention to low-income minority individuals and older individuals residing in rural areas.

“(5) The plan shall provide that the State agency will—

“(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

“(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

“(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316.”;

(2) in paragraph (7), by striking subparagraph (C);

(3) by striking paragraphs (8) and (9) and inserting the following:

“(8)(A) The plan shall provide that no supportive services, nutrition services, or income services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

“(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

“(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

“(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

“(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

“(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.

“(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.”;

(4) by striking paragraph (10) and inserting the following:

“(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.”;

(5) by striking paragraphs (11), (12), (13), and (14);

(6) by redesignating paragraphs (15) and (16) as paragraphs (11) and (12), respectively;

(7) by striking paragraph (17);

(8) by redesignating paragraph (18) as paragraph (13);

(9) by striking paragraph (19);

(10) by redesignating paragraph (20) as paragraph (14);

(11) by striking paragraphs (21) and (22);

(12) by redesignating paragraphs (23), (24), (25), and (26) as paragraphs (15), (16), (17), and (18), respectively;

(13) in paragraph (16) (as redesignated by paragraph (12)), by inserting “and older indi-

viduals residing in rural areas” after “low-income minority individuals” each place it appears;

(14) in paragraph (17) (as redesignated by paragraph (12)), by inserting “to enhance services” before “and develop collaborative programs”;

(15) in paragraph (18) (as redesignated by paragraph (12)), by striking “section 306(a)(6)(I)” and inserting “section 306(a)(7)”;

(16) by striking paragraphs (27), (28), (29), and (31);

(17) by redesignating paragraphs (30) and (32) as paragraphs (19) and (20), respectively;

(18) by striking paragraphs (33), (34), and (35) and inserting the following:

“(21) The plan shall—

“(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

“(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.”;

(19) by redesignating paragraph (36) as paragraph (22);

(20) by striking paragraphs (37), (38), (39), (40), and (43);

(21) by redesignating paragraphs (41), (42), and (44) as paragraphs (23), (24), and (25), respectively; and

(22) by adding at the end the following:

“(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.”.

#### **SEC. 307. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.**

Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “in its plan under section 307(a)(13) regarding Part C of this title,”; and

(ii) by striking “30 percent” and inserting “40 percent”;

(B) in subparagraph (B)—

(i) by striking “for fiscal year 1993, 1994, 1995, or 1996” and inserting “for any fiscal year”; and

(ii) by striking “to satisfy such need—” and all that follows and inserting “to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).”; and

(C) by adding at the end the following:

“(C) A State's request for a waiver under subparagraph (B) shall—

“(i) be not more than 1 page in length;

“(ii) include a request that the waiver be granted;

“(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 40 percent referred to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and

“(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C.”; and

(2) by striking paragraph (5) and inserting the following:

“(5)(A) Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

“(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.”.

#### **SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.**

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “(or to any tribal organization receiving a grant under title VI)” after “any State”; and

(ii) by inserting “(or funds used by such tribal organization)” before “for the delivery of supportive services”;

(B) in paragraph (2), by inserting “and such tribal organizations” after “States”; and

(C) in paragraph (3), by inserting “or such tribal organization” after “State” each place it appears; and

(2) in subsections (b)(1) and (c), by inserting “and such tribal organizations” after “States”.

#### **SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.**

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in the section heading, by striking “AVAILABILITY OF SURPLUS COMMODITIES” and inserting “NUTRITION SERVICES INCENTIVE PROGRAM”;

(2) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting before subsection (c) (as redesignated by paragraph (2)) the following:

“(a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

“(b)(1) The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

“(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that

the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.”;

(4) in subsection (c) (as redesignated by paragraph (2)), by striking paragraph (4);

(5) in subsection (d) (as redesignated by paragraph (2)), by striking “Notwithstanding” through “election” and inserting “In any case in which a State elects to receive cash payments.”;

(6) in subsection (d) (as redesignated by paragraph (2)), by adding at the end the following:

“(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.”; and

(7) by striking subsection (e) (as redesignated by paragraph (2)) and inserting the following:

“(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

#### **SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.**

Part A of title III (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

##### **“SEC. 315. CONSUMER CONTRIBUTIONS.**

“(a) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.

“(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

“(A) Information and assistance, outreach, benefits counseling, or case management services.

“(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

“(C) Congregate and home delivered meals.

“(D) Any services delivered through tribal organizations.

“(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

“(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

“(5) REQUIREMENTS.—If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—

“(A) protect the privacy and confidentiality of each older individual with respect

to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

“(B) establish appropriate procedures to safeguard and account for cost share payments;

“(C) use each collected cost share payment to expand the service for which such payment was given;

“(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

“(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;

“(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

“(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).

“(6) WAIVER.—An area agency on aging may request a waiver to the State's cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—

“(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

“(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

“(b) VOLUNTARY CONTRIBUTIONS.—

“(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act provided that the method of solicitation is noncoercive.

“(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

“(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

“(4) REQUIRED ACTS.—The area agency on aging shall ensure that each service provider will—

“(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

“(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

“(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

“(D) establish appropriate procedures to safeguard and account for all contributions; and

“(E) use all collected contributions to expand the service for which the contributions were given.

“(c) PARTICIPATION.—

“(1) IN GENERAL.—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.



“(2) PLANS.—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income minority individuals and older individuals residing in rural areas) receiving services will not decrease with the implementation of the cost sharing under such subsection.

“(d) EVALUATION.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals and older individuals residing in rural areas. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

#### “SEC. 316. WAIVERS.

“(a) IN GENERAL.—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

“(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

“(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

“(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

“(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

“(b) REQUIREMENTS SUBJECT TO WAIVER.—The provisions of this title that may be waived under this section are—

“(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

“(2) any area plan requirement described in section 306(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

“(3) any State plan requirement described in section 307(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

“(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and

“(5) the requirement of section 309(c) that certain amounts of a State allotment be used

for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).

“(c) DURATION OF WAIVER.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

“(d) REPORTS TO SECRETARY.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.”.

#### SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “or both” and inserting “and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals”;

(B) in paragraph (4), by striking “or (D)” and all that follows and inserting “or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development”;

(C) in paragraph (5), by striking “including” and all that follows and inserting the following: “including—

“(A) client assessment, case management services, and development and coordination of community services;

“(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

“(C) in-home services and other community services, including home health, home-maker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment”;

(D) in paragraph (12), by inserting before the semicolon the following: “, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”;

(E) in paragraph (21), by striking “or”;

(F) by inserting after paragraph (21) the following:

“(22) in-home services for frail older individuals, including individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for

services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306.”;

(G) by redesignating paragraph (22) as paragraph (23); and

(H) in paragraph (23) (as redesignated by subparagraph (G)), by inserting “necessary for the general welfare of older individuals” before the semicolon; and

(2) by adding at the end the following:

“(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

“(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).”.

#### SEC. 312. NUTRITION SERVICES.

(a) REPEAL.—Subpart 3 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g–11 et seq.) is repealed.

(b) REDESIGNATION.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by redesignating subpart 4 as subpart 3.

(c) PROGRAM AUTHORIZED.—Section 331(2) of the Older Americans Act of 1965 (42 U.S.C. 3030e(2)) is amended by inserting “, including adult day care facilities and multigenerational meal sites” before the semi-colon.

#### SEC. 313. NUTRITION REQUIREMENTS.

Subpart 4 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended by striking section 339 and inserting the following:

#### “SEC. 339. NUTRITION.

“A State that establishes and operates a nutrition project under this chapter shall—

“(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

“(2) ensure that the project—

“(A) provides meals that—

“(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

“(ii) provide to each participating older individual—

“(I) a minimum of 33 ⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides 1 meal per day,

“(II) a minimum of 66% percent of the allowances if the project provides 2 meals per day, and

“(III) 100 percent of the allowances if the project provides 3 meals per day, and

“(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

“(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

“(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,



“(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

“(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals’ residences as feasible,

“(F) comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

“(G) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals,

“(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

“(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

“(J) provide for nutrition screening and, where appropriate, for nutrition education and counseling.

#### **SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSISTANCE.**

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

- (1) by repealing parts D and E; and
- (2) by redesignating part F as part D.

#### **SEC. 315. DEFINITION.**

Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is repealed.

#### **SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.**

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

- (1) by repealing part G; and
- (2) by inserting after part D (as redesignated by section 313(2)) the following:

#### **“PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM**

##### **“SEC. 371. SHORT TITLE.**

“This part may be cited as the ‘National Family Caregiver Support Act’.

##### **“Subpart 1—Caregiver Support Program**

##### **“SEC. 372. DEFINITIONS.**

“In this subpart:

“(1) **CHILD.**—The term ‘child’ means an individual who is not more than 18 years of age.

“(2) **FAMILY CAREGIVER.**—The term ‘family caregiver’ means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual.

“(3) **GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.**—The term ‘grandparent or older individual who is a relative caregiver’ means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and—

“(A) lives with the child;

“(B) is the primary caregiver of the child because the biological or adoptive parents

are unable or unwilling to serve as the primary caregiver of the child; and

“(C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.

#### **“SEC. 373. PROGRAM AUTHORIZED.**

“(a) **IN GENERAL.**—The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 307, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

“(1) for family caregivers; and

“(2) for grandparents or older individuals who are relative caregivers.

“(b) **SUPPORT SERVICES.**—The services provided, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include—

“(1) information to caregivers about available services;

“(2) assistance to caregivers in gaining access to the services;

“(3) individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

“(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

“(5) supplemental services, on a limited basis, to complement the care provided by caregivers.

“(c) **POPULATION SERVED; PRIORITY.**—

“(1) **POPULATION SERVED.**—Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

“(A) are described in paragraph (1) or (2) of subsection (a); and

“(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older individual who meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

“(2) **PRIORITY.**—In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as ‘developmental disabilities’).

“(d) **COORDINATION WITH SERVICE PROVIDERS.**—In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b).

“(e) **QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.**—

“(1) **QUALITY STANDARDS AND MECHANISMS.**—The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart.

“(2) **DATA AND RECORDS.**—The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assist-

ant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

“(3) **REPORTS.**—The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured.

“(f) **CAREGIVER ALLOTMENT.**—

“(1) **IN GENERAL.**—

“(A) From sums appropriated under section 303(e) for fiscal years 2001 through 2005, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

“(B) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

“(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

“(2) **MINIMUM ALLOTMENT.**—

“(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

“(B)(i) Each State shall be allotted  $\frac{1}{2}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(ii) Guam and the Virgin Islands of the United States shall each be allotted  $\frac{1}{4}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted  $\frac{1}{16}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(C) For the purposes of subparagraph (B)(i), the term ‘State’ does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

“(g) **AVAILABILITY OF FUNDS.**—

“(1) **USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.**—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

“(2) **FEDERAL SHARE.**—

“(A) **IN GENERAL.**—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

“(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost shall be provided from State and local sources.

“(C) **LIMITATION.**—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

**"SEC. 374. MAINTENANCE OF EFFORT.**

"Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.

**"Subpart 2—National Innovation Programs****"SEC. 375. INNOVATION GRANT PROGRAM.**

"(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including low-income caregivers and geographically distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.

"(b) EVALUATION AND DISSEMINATION OF RESULTS.—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.

"(c) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.

**"SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

"(a) IN GENERAL.—The Assistant Secretary shall, directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through program evaluation, training, technical assistance, and research.

"(b) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000."

**TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS****SEC. 401. PROJECTS AND PROGRAMS**

Title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended to read as follows:

**"SEC. 401. PURPOSES.**

"The purposes of this title are—

"(1) to expand the Nation's knowledge and understanding of the older population and the aging process;

"(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

"(3) to help meet the needs for trained personnel in the field of aging; and

"(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.

**"PART A—GRANT PROGRAMS****"SEC. 411. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—

"(1) education and training to develop an adequately trained workforce to work with and on behalf of older individuals;

"(2) applied social research and analysis to improve access to and delivery of services for older individuals;

"(3) evaluation of the performance of the programs, activities, and services provided under this section;

"(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;

"(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;

"(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;

"(7) coordination with the designated State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;

"(8) the training of graduate level professionals specializing in the mental health needs of older individuals; and

"(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

**"SEC. 412. CAREER PREPARATION FOR THE FIELD OF AGING.**

"(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

**"SEC. 413. OLDER INDIVIDUALS' PROTECTION FROM VIOLENCE PROJECTS.**

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b).

"(b) ACTIVITIES.—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

"(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

"(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

"(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

"(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

"(c) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

"(d) COORDINATION.—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

**"SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.**

"(a) AUTHORITY.—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health care needs of medically underserved older individuals residing in such areas.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

"(1) information describing the nature and extent of the applicant's—

"(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

“(B) coordination and cooperation with—  
 “(1) institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing such project; and

“(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

“(2) assurances that the applicant will carry out the project for which a grant is requested, through a multipurpose senior center located—

“(A)(i) in a rural area that has a population of less than 5,000; or

“(ii) in a county that has fewer than 7 individuals per square mile; and

“(B) in a State in which—

“(i) not less than 33 $\frac{1}{3}$  of the population resides in rural areas; and

“(ii) not less than 5 percent of the population resides in counties with fewer than 7 individuals per square mile;

as defined by and determined in accordance with the most recent data available from the Bureau of the Census; and

“(3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

“(c) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

#### “SEC. 415. COMPUTER TRAINING.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information, may award grants or contracts to entities to provide computer training and enhanced Internet access for older individuals.

“(b) PRIORITY.—If the Assistant Secretary awards grants under subsection (a), the Assistant Secretary shall give priority to an entity that—

“(1) will provide services to older individuals living in rural areas;

“(2) has demonstrated expertise in providing computer training to older individuals; or

“(3) has demonstrated that it has a variety of training delivery methods, including facility-based, computer-based, and Internet-based training, that may facilitate a determination of the best method of training older individuals.

“(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Assistant Secretary shall give special consideration to applicants that have entered into a partnership with 1 or more private entities providing such applicants with donated information technologies including software, hardware, or training.

“(d) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

“(1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and

“(2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

#### “SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS.

“(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

“(b) USE OF FUNDS.—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

“(1) developing innovative approaches for improving access by older individuals to supportive services;

“(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

“(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

“(4) providing special services to link seniors to transportation services not provided under title III.

#### “SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

“(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

“(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

“(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

“(2) to evaluate the project in accordance with subsection (f).

“(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

“(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

“(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas).

“(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

“(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

“(f) LOCAL EVALUATION AND REPORT.—

“(1) EVALUATION.—Each organization receiving a grant or a contract under sub-

section (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of such activities on older individuals involved in such project.

“(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

“(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

“(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

“(2) a description of the nature and operation of the projects;

“(3) the names and addresses of organizations that conducted the projects;

“(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

“(5) a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and

“(6) the rate of turnover of older individual employees and volunteers in the projects.

“(h) DEFINITION.—As used in this section, the term ‘multigenerational activity’ includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

#### “SEC. 418. NATIVE AMERICAN PROGRAMS.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than 2 and not more than 4 eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as ‘Resource Centers’). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

“(2) FUNCTIONS.—

“(A) IN GENERAL.—Each Resource Center that receives funds under this section shall—

“(i) gather information;

“(ii) perform research;

“(iii) provide for the dissemination of results of the research; and

“(iv) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

“(B) AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

“(i) health problems;

“(ii) long-term care, including in-home care;

“(iii) elder abuse; and

“(iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

“(3) PREFERENCE.—In awarding grants and entering into contracts under paragraph (1),

the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

“(4) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

“(5) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

“(6) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

“(b) TRAINING GRANTS.—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

#### “SEC. 419. MULTIDISCIPLINARY CENTERS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—The centers described in subsection (a) shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policy-makers, service providers, and Congress.

“(2) MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in subsection (a) shall—

“(A) recruit and train personnel;

“(B) conduct basic and applied research toward the development of information related to aging;

“(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

“(D) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

“(E) serve as a repository of information and knowledge on aging;

“(F) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

“(G) if appropriate, provide information relating to assistive technology.

“(c) DATA.—

“(1) IN GENERAL.—Each center that receives a grant under subsection (a) shall pro-

vide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

“(2) INFORMATION INCLUDED.—Such data described in paragraph (1) shall include—

“(A) information on the number of personnel trained;

“(B) information on the number of older individuals served;

“(C) information on the number of schools assisted; and

“(D) other information that will facilitate achieving the objectives of this section.

#### “SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants and enter into contracts, in order to—

“(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

“(A) case consultations;

“(B) training;

“(C) provision of substantive legal advice and assistance; and

“(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

“(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

“(b) ASSURANCES.—Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(11) are met.

“(c) ASSISTANCE.—To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit organizations experienced in providing support and technical assistance on a nationwide basis to States, area agencies on aging, legal assistance providers, ombudsmen, elder abuse prevention programs, and other organizations interested in the legal rights of older individuals.

#### “SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to not fewer than 3 and not more than 10 States to conduct demonstrations and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness, established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

“(b) REPORT.—The Assistant Secretary shall prepare and submit to Congress a report containing the results of the evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary determines to be appropriate.

#### “PART B—GENERAL PROVISIONS

##### “SEC. 431. PAYMENT OF GRANTS.

“(a) CONTRIBUTIONS.—To the extent the Assistant Secretary determines a contribution to be appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

“(b) PAYMENTS.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

“(c) CONSULTATION.—The Assistant Secretary shall make no grant or contract under this title in any State that has established or designated a State agency for purposes of title III unless the Assistant Secretary—

“(1) consults with the State agency prior to issuing the grant or contract; and

“(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

#### “SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

“(a) IN GENERAL.—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

“(A) for which funds were provided under this title; and

“(B) that was completed in the fiscal year for which such report is prepared.

“(2) CONTENTS.—Such report shall contain—

“(A) the name or descriptive title of each project or program;

“(B) the name and address of the individual or governmental entity that conducted such project or program;

“(C) a specification of the period throughout which such project or program was conducted;

“(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

“(E) an abstract describing the nature and operation of such project or program; and

“(F) a bibliography identifying all published information relating to such project or program.

“(c) EVALUATIONS.—

“(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

“(2) RESULTS.—The Assistant Secretary shall—

“(A) make available to the public the results of each evaluation carried out under paragraph (1); and

“(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.”

#### TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

##### SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

#### “TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

##### “SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Older American Community Service Employment Act’.

**"SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.**

"(a)(1) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(2) Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

"(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

"(C) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals;

"(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

"(ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and

"(iii) will not impair existing contracts or result in the substitution of Federal funds

for other funds in connection with work that would otherwise be performed;

"(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

"(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—

"(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

"(ii) the State or local minimum wage for the most nearly comparable covered employment; or

"(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

"(M) will assure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

"(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such ob-

jectives and satisfying their need for supportive services;

"(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

"(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

"(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and

"(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantees, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

"(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.

"(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any condition for an assessment and service strategy for an eligible individual under this title.

"(c)(1) The Secretary is authorized to pay a share, but not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is—

"(A) an emergency or disaster project; or

"(B) a project located in an economically depressed area;

as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the

non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

“(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

“(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

“(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

“(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placements goals, and other operation requirements imposed by the Secretary;

“(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

“(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project; the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

“(4) The costs of administration are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

“(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

“(i) accounting, budgeting, financial, and cash management functions;

“(ii) procurement and purchasing functions;

“(iii) property management functions;

“(iv) personnel management functions;

“(v) payroll functions;

“(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

“(vii) audit functions;

“(viii) general legal services functions; and

“(ix) developing systems and procedures, including information systems, required for these administrative functions.

“(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

“(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

“(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

“(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and pay-

roll systems) including the purchase, systems development, and operating costs of such systems.

“(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

“(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration shall be used to pay for the costs of programmatic activities, including—

“(i) enrollee wages and fringe benefits (including physical examinations);

“(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

“(iii) job placement assistance, including job development and job search assistance;

“(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

“(v) outreach, recruitment and selection, intake, orientation, and assessments.

“(B) Not less than 75 percent of the funds made available through a grant made under this title shall be used to pay wages and benefits for older individuals who are employed under projects carried out under this title.

“(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

“(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

“(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

“(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

“(B) will emphasize projects involving second careers and job placement and give con-

sideration to placement in growth industries in jobs reflecting new technological skills; and

“(C) require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.

“(f) The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection (e).

#### “SEC. 503. ADMINISTRATION.

“(a) STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—

“(1) GOVERNOR SUBMITS PLAN.—The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

“(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—

“(A) individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(B) individuals representing public and private nonprofit agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and

“(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, underserved older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

“(3) COMMENTS.—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

“(4) PLAN PROVISIONS.—The State Senior Employment Services Coordination Plan shall identify and address—

“(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

“(B) the relative distribution of individuals residing in rural and urban areas within the State;

“(C) the relative distribution of—

“(i) eligible individuals who are individuals with greatest economic need;

“(ii) eligible individuals who are minority individuals; and

“(iii) eligible individuals who are individuals with greatest social need;

“(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

“(E) the localities and populations for which community service projects of the type authorized by this title are most needed; and

“(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

“(5) GOVERNOR'S RECOMMENDATIONS ON GRANT PROPOSALS.—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are

proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

“(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title within the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees within the State;

“(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

“(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

“(6) **DISRUPTIONS.**—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

“(7) **DETERMINATION; REVIEW.**—

“(A) **DETERMINATION.**—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

“(B) **REVIEW.**—The Secretary may review on the Secretary's own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

“(8) **EXEMPTION.**—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

“(b)(1) The Secretary of Labor and the Assistant Secretary shall coordinate the programs under this title and the programs under other titles of this Act to increase job opportunities available to older individuals.

“(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the

Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

“(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

“(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

“(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

“(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

“(f)(1) The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.

“(2) Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.

“(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

“(4) Each grantee described in paragraph (2) shall keep records that—

“(A) are sufficient to permit the preparation of reports required pursuant to this title;

“(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

“(C) contain any other information that the Secretary determines to be appropriate.

“(g) The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services, pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.

#### “SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.

“(a) Eligible individuals who are employed in any project funded under this title shall

not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

“(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

#### “SEC. 505. INTERAGENCY COOPERATION.

“(a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.

“(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

“(c)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

“(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

#### “SEC. 506. DISTRIBUTION OF ASSISTANCE.

“(a) **RESERVATIONS.**—

“(1) **RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.**—From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

“(2) **RESERVATION FOR TERRITORIES.**—From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—

“(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and

“(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent.

“(3) **RESERVATION FOR ORGANIZATIONS.**—The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment



services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.

“(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

“(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

“(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

“(2) FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

“(A) UP TO \$35,000,000.—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of \$35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(B) OVER \$35,000,000.—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(d) ALLOTMENTS FOR NATIONAL GRANTS.—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

“(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

“(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

“(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; or

“(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

“(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

“(e) ALLOTMENTS FOR GRANTS TO STATES.—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

“(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

“(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

“(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; or

“(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

“(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

“(f) ALLOTMENT PERCENTAGE.—For the purposes of subsections (d) and (e)—

“(1) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent, and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

“(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

“(3) for the purpose of determining the allotment percentage, the term ‘United States’ means the 50 States and the District of Columbia.

“(g) DEFINITIONS.—In this section:

“(1) COST PER AUTHORIZED POSITION.—The term ‘cost per authorized position’ means the sum of—

“(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours

equal to the product of 21 hours and 52 weeks;

“(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

“(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

“(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The term ‘fiscal year 2000 level of activities’ means—

“(A) with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(e); and

“(B) with respect to State grantees, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(f).

“(3) GRANTS TO STATES.—The term ‘grants to States’ means grants under this title to the States from the Secretary.

“(4) LEVEL OF ACTIVITIES.—The term ‘level of activities’ means the number of authorized positions multiplied by the cost per authorized position.

“(5) NATIONAL GRANTS.—The term ‘national grants’ means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(6) STATE.—The term ‘State’ does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

#### “SEC. 507. EQUITABLE DISTRIBUTION.

“(a) INTERSTATE ALLOCATION.—The Secretary, in awarding grants and contracts under section 506, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

“(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506 shall be allocated among areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

#### “SEC. 508. REPORT.

“In order to carry out the Secretary’s responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State’s compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

#### “SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

“Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

#### “SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

“Eligible individuals under this title may be deemed by local workforce investment

boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

**"SEC. 511. TREATMENT OF ASSISTANCE.**

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

**"SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.**

"(a) **PARTNERS.**—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

"(b) **COORDINATION.**—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

**"SEC. 513. PERFORMANCE.**

"(a) **MEASURES.**—

"(1) **ESTABLISHMENT OF MEASURES.**—The Secretary shall establish, in consultation with grantees, subgrantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

"(2) **CONTENT.**—

"(A) **COMPOSITION OF MEASURES.**—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

"(B) **ADJUSTMENT.**—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

"(i) High rates of unemployment, poverty, or welfare reciprocity in the areas served by a grantee, relative to other areas of the State or Nation.

"(ii) Significant downturns in the areas served by the grantee or in the national economy.

"(iii) Significant numbers or proportions of enrollees with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

"(C) **PLACEMENT.**—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

"(3) **PERFORMANCE EVALUATION OF PUBLIC OR PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.**—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees

with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

"(4) **PERFORMANCE EVALUATION OF STATES.**—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

"(5) **LIMITATION.**—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

"(b) **REQUIRED INDICATORS.**—The indicators described in subsection (a) shall include—

"(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

"(2) community services provided;

"(3) placement into and retention in unsubsidized public or private employment;

"(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

"(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

"(c) **DEFINITIONS OF INDICATORS.**—

"(1) **IN GENERAL.**—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

"(2) **DEFINITIONS OF CERTAIN TERMS.**—In this section:

"(A) **PLACEMENT INTO PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.**—The term 'placement into public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

"(B) **RETENTION IN PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.**—The term 'retention in public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

"(d) **CORRECTIVE EFFORTS.**—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve the established levels of performance.

**"SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.**

"(a) **PROGRAM AUTHORIZED.**—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry

out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.

"(b) **ELIGIBLE APPLICANTS.**—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

"(c) **CRITERIA.**—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

"(1) The applicant's ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60.

"(2) The applicant's ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

"(3) The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

"(4) The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

"(5) The applicant's ability to coordinate with other organizations at the State and local level.

"(6) The applicant's plan for fiscal management of the program to be administered with funds received under this section.

"(7) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.

"(d) **RESPONSIBILITY TESTS.**—

"(1) **IN GENERAL.**—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

"(2) **REVIEW.**—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.

"(3) **FAILURE TO SATISFY TEST.**—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

"(4) **TEST.**—The responsibility tests include review of the following factors:

"(A) Efforts by the organization to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

"(B) Established fraud or criminal activity of a significant nature within the organization.

"(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

"(D) Willful obstruction of the audit process.

"(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

"(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

“(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

“(H) Failure to submit required reports.

“(I) Failure to properly report and dispose of government property as instructed by the Secretary.

“(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

“(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

“(L) Failure to audit a subrecipient within the required period.

“(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

“(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

“(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

“(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

“(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

“(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

“(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

“(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

“(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

“(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.

“(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

“(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

“(A) IN GENERAL.—In addition to the actions required under paragraph (2), the Secretary shall take corrective action if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

“(B) FIRST YEAR OF FAILURE.—After the first program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.

“(C) SECOND YEAR OF FAILURE.—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

“(D) THIRD YEAR OF FAILURE.—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

“(4) REQUEST BY GOVERNOR.—Upon the request of the Governor of a State for a review of the performance of a public or private nonprofit agency or organization within the State, the Secretary shall undertake such a review in accordance with the criteria described in paragraph (3)(A). If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).

“(f) PERFORMANCE MEASURES AND COMPETITION FOR STATES.—

“(1) IN GENERAL.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State grantee has met the performance measures established pursuant to section 513(a)(4).

“(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

“(3) CONTENT.—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

“(4) FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.—

“(A) AFTER SECOND YEAR OF FAILURE.—If a State fails to meet the performance meas-

ures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

“(B) AFTER THIRD YEAR OF FAILURE.—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.

“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

“(a) There is authorized to be appropriated to carry out this title—

“(1) \$475,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

“(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), ‘part-time employment position’ means an employment position within a workweek of at least 20 hours.

“(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

“(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

“(1) incentive grants;

“(2) technical assistance; or

“(3) grants or contracts for any other program under this title.

“SEC. 516. DEFINITIONS.

“In this title:

“(1) COMMUNITY SERVICE.—The term ‘community service’ means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe.

“(2) ELIGIBLE INDIVIDUALS.—The term ‘eligible individuals’ means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty guidelines established by the Office of Management and Budget), except that, pursuant to regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

“(3) PACIFIC ISLAND AND ASIAN AMERICANS.—The term ‘Pacific Island and Asian Americans’ means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

“(4) PROGRAM.—The term ‘program’ means the older American community service employment program established under this title.”.

#### **TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965**

##### **SEC. 601. ELIGIBILITY.**

Section 612 of the Older Americans Act of 1965 (42 U.S.C. 3057c) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only 1 grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.”.

##### **SEC. 602. APPLICATIONS.**

Section 614 of the Older Americans Act of 1965 (42 U.S.C. 3057e) is amended—

(1) in subsection (b), by striking “certification” and inserting “approval”; and

(2) in subsection (c)—

(A) by inserting “(1)” after “(c)”; and

(B) by adding at the end the following:

“(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

“(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

“(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.”.

##### **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

##### **“SEC. 633. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this title—

“(1) for parts A and B, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years; and

“(2) for part C, \$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

##### **SEC. 604. GENERAL PROVISIONS.**

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 631 through 633 as sections 641 through 643, respectively;

(3) by inserting after part B the following:

#### **“PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM**

##### **“SEC. 631. PROGRAM.**

“(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

“(b) REQUIREMENTS.—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.”.

#### **TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965**

##### **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended to read as follows:

##### **“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

“(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

“(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

“(c) LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

##### **SEC. 702. ALLOTMENT.**

Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking “1991” each place it appears and inserting “2000”.

##### **SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.**

Section 705(a) of the Older Americans Act of 1965 (42 U.S.C. 3058d(a)) is amended—

(1) in paragraph (4), by inserting “each of” after “carry out”;

(2) in paragraph (6)(C)(iii), by striking the semicolon and inserting “; and”;

(3) by striking paragraph (7);

(4) by redesignating paragraph (8) as paragraph (7); and

(5) in paragraph (7) (as redesignated by paragraph (3)), by striking “paragraphs (1) through (7)” and inserting “paragraphs (1) through (6)”.

##### **SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a), in paragraph (5)(C)(ii), by inserting “and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves” after “interest”; and

(2) in subsection (h)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “(A) not later than 1 year after the date of enactment of this title, establish” and inserting “strengthen and update”; and

(II) in clause (iii), by striking “and”;

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(iv) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;

(B) in paragraph (7), by striking “; and” and inserting a semicolon;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

“(8) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and”.

##### **SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “(including financial exploitation)” after “exploitation”;

(B) in paragraph (2), by inserting “, State and local law enforcement systems, and courts of competent jurisdiction” after “service program”; and

(C) in paragraph (5), by inserting “including caregivers described in part E of title III,” after “individuals.”;

(2) in subsection (d)(8)—

(A) by inserting “State and local” after “consumer protection and”; and

(B) by inserting “, and services provided by agencies and courts of competent jurisdiction” before the period; and

(3) by adding at the end the following:

“(g) STUDY AND REPORT.—

“(1) STUDY.—The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—

“(A) the results of the study conducted under this subsection; and

“(B) recommendations for future actions to combat the financial exploitation of older individuals.”.

##### **SEC. 706. ASSISTANCE PROGRAMS.**

Subtitle A of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended by repealing chapters 4 and 5 and inserting the following:

#### **“CHAPTER 4—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM**

##### **“SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

“A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—

"(1) State leadership in securing and maintaining the legal rights of older individuals;

"(2) State capacity for coordinating the provision of legal assistance;

"(3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

"(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

"(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

"(6) State capacity to improve the quality and quantity of legal services provided to older individuals."

#### SEC. 707. NATIVE AMERICAN PROGRAMS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years."

#### TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

##### SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking "307(a)(12)" and inserting "307(a)(9)".

(b) TITLE II.—

(1) Section 201(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

(A) in subparagraph (C)(ii), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) in subparagraph (J), by striking "307(a)(12)" and inserting "307(a)(9)".

(2) Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking "paragraphs (2) and (5)(A) of section 306(a)" and inserting "paragraphs (2) and (4)(A) of section 306(a)"; and

(ii) in paragraph (26), by striking "sections 307(a)(18) and 731(b)(2)" and inserting "section 307(a)(13) and section 731";

(B) in subsection (c)—

(i) in paragraph (1), by striking "(c)(1)" and inserting "(c)"; and

(ii) by striking paragraph (2); and

(C) in subsection (e)(1)(A)—

(i) by striking clause (i) and inserting the following:

"(i) provide information about grants and projects under title IV"; and

(ii) in clause (iv), by striking "and the information provided by the Resource Centers on Native American Elders under section 429E".

(3) Section 205(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by striking "subparts 1, 2, and 3" and inserting "subparts 1 and 2".

(4) Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended by striking "307(a)(13)(J)" and inserting "339(2)(J)".

(c) TITLE III.—

(1) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by

striking "307(a)(12)" and inserting "307(a)(9)".

(2) Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(A) in subsection (d)(1)(B), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) by striking subsection (e).

(3) Section 305(a)(2)(F) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by striking "307(a)(24)" and inserting "307(a)(16)".

(4) Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended—

(A) in subsection (a), in paragraph (22) (as redesignated by section 305(19)), by striking "306(a)(20)" and inserting "306(a)(8)"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "(f)(1)" and inserting "(f)"; and

(ii) by striking paragraph (2).

(5) Section 321(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by striking "section 307(a)(16)" and inserting "section 307(a)(12)".

(d) TITLE VI.—Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

(e) TITLE VII.—

(1) Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

(A) in clause (i), by striking "section 702(a)" and inserting "section 702 and made available to carry out chapter 2"; and

(B) in clause (ii), by striking "section 702(b)" and inserting "section 702 and made available to carry out chapter 3".

(2) Section 712(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by striking "section 702(a)" and inserting "section 702 and made available to carry out this chapter".

(3) Section 721(a) of the Older Americans Act of 1965 (42 U.S.C. 3058i(a)) is amended by striking "section 702(b)" and inserting "section 702 and made available to carry out this chapter".

(4) Section 761(2) of the Older Americans Act of 1965 (42 U.S.C. 3058bb(2)) is amended by striking "chapter 2, 3, 4, or 5 of this title" and inserting "subtitle A".

(5) Section 762 of the Older Americans Act of 1965 (42 U.S.C. 3058cc) is amended, in the matter preceding paragraph (1), by striking "or an entity described in section 751(c)".

(6) Section 764(b) of the Older Americans Act of 1965 (42 U.S.C. 3058ee(b)) is amended by striking "area agencies on aging, and entities described in section 751(c)" and inserting "and area agencies on aging".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over a year and a half ago, the gentleman from Nebraska (Mr. BARRETT) walked into my office and suggested that it was time that we reauthorize the Older Americans Act, and I immediately agreed.

The following week, we had breakfast with the gentleman from Missouri (Mr. CLAY), ranking member, and the gen-

tleman from California (Mr. MARTINEZ); and they too agreed that passage of the act was warranted and long overdue.

Now we all said that, if we were going to be successful, we would have to do two things: one, always keep the best interest of seniors at the top of the list; and, two, work together.

From that moment forward, there has been no turning back. We held six hearings, including three in the field and three here in Washington. We heard from everybody, and I mean everybody, from the administration to State units on aging to area agencies on aging to local providers to volunteers and to the seniors themselves.

In other words, we heard, not just from the folks that run the programs, but also from those folks who were served by them.

Armed with their insight, experience, and expertise, we first sat down among ourselves and crafted H.R. 782, the Older Americans Act Amendments of 1999, which was favorably voice voted out of the Committee on Education and the Workforce last year.

Then this year, we sat down with our colleagues from the other body and crafted a bipartisan preconference agreement based on H.R. 782 and the Senate version, S. 1536. It is this proposal, the House and Senate bipartisan preconference agreement, that we will be voting on today.

This new agreement addresses everything from voluntary contributions, rural consideration, care giving, elder rights, disease prevention, and the senior employment program.

Now, let me just say that, if one still has doubts as to whether or not we really need to modernize this act, consider the following: one, the baby boom generation is graying; two, Americans are living longer; three, 44 million Americans are age 60 and older; and, four, the last time Congress passed this act was in 1992.

There is simply no doubt that some changes are needed. My colleagues will find there is no question that the Older Americans Act Amendments of 2000 does just that and does it in a bipartisan fashion benefiting all older Americans.

For instance, not only does this bill ensure flexibility and streamline the act services by reducing the number of programs and projects, but it protects essential programs like disease prevention, elder abuse aid and Meals on Wheels.

In addition, the bill consolidates and strengthens two existing programs into a new family caregiver program to provide grants to States for such services as counseling, training, support groups, respite care, informational assistance and supplemental services.

Today, approximately 4.4 million elderly persons are in need of long-term care assistance because they are not

able to perform basic everyday tasks such as dressing, bathing, and eating. Over 7 million caregivers provide informal or unpaid care to them each week.

As a result, this particular program alone will enhance the quality of life for frail individuals and those who care for them, plus save taxpayer money in the long run by preventing and/or delaying a senior's admittance into a nursing home.

For example, a September 1998 report commissioned by the Alzheimer's Association found that increased use of respite care at mild and moderate stages of Alzheimer's has shown to delay nursing home placement significantly, a net savings of as much as \$600 to \$1,000 per week.

Delaying nursing home admissions for people with Alzheimer's disease by just one month could save at least \$1.12 billion a year. Imagine the impact this new family caregiver program will have on the families that it assists and the money it will save when it comes to Medicare and Medicaid.

It is no wonder the Alzheimer's Association calls the bill's authorization for the family caregiver program a welcome breakthrough.

Finally, the bill also reforms the Senior Community Service Employment Program by instituting performance standards and accountability measures.

Mr. Speaker, I would like to take a moment and publicly thank the gentleman from Pennsylvania (Chairman GOODLING); the gentleman from Missouri (Mr. CLAY), ranking member; the gentleman from California (Mr. MARTINEZ); and the gentleman from Nebraska (Mr. BARRETT) for their leadership in bringing this bill to the floor. I thank them for their commitment to see this bill through. I would like to wish each of them well in their retirement. I am pleased that they can finish their outstanding tenure here in Congress with the passage of the Older Americans Act reauthorization.

I would like to end by saying that, for the first time in close to 8 years, Members have a chance today to vote for a bipartisan Older Americans Act, one that ensures flexibility, streamlines the services, improves the performance of the senior employment program, and includes a new family caregiver program. Do not miss out on this opportunity. Vote for the Older Americans Act Amendments of 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure today to rise in support of this bipartisan bill that reauthorizes the Older Americans Act. More than 30 years ago, Congress established this act to help older people live longer with dignity and independence in their communities.

By providing home-delivered meals, preventive health screening, community service employment, legal assistance and a host of other services, the Older Americans Act serves to improve the quality of life for our nation's elderly.

During past reauthorizations, Members of both sides of the aisle have come together in a bipartisan manner to strengthen services under the bill where the need existed.

In 1984, the Act was amended to require States to give particular attention to low-income minority elderly in providing services. Prior to enactment of this critical provision, there was repeated and regular neglect of minority seniors.

This bill continues to recognize that low-income minorities have the greatest social and economic need for services provided under the act. The bill also continues to provide meals, information and assistance, outreach, benefits counseling, case management, and other protective services to seniors without regard to income.

Finally, Mr. Speaker, the bill contains the President's National Family Caregiver Support program. This program provides training and support services to family members who care for frail elderly relatives. Millions of noninstitutionalized elderly persons have trouble with at least two of the activities of daily living.

The kind of home and community-based services promoted by the family caregiver support program helps to keep older persons independent in their own homes for a much longer time. As the number of seniors grows in the coming decades, this law will become increasingly vital.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Mr. McKEON) and the gentleman from Nebraska (Mr. BARRETT) for the good work that they have done to bring this bill before us.

Without their efforts, we would not be, today, passing this piece of legislation. So I want to commend them, and I support the bill and urge all of our colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extremely pleased to be here today. I will not be able to say any longer what I have said so many times that, for the first time in

the history of the Congress, we passed a bipartisan bicameral bill when we passed IDEA, because I think we may have come close to that again, having a bipartisan bicameral bill.

As the gentleman from Missouri (Mr. CLAY), the ranking member indicated, this bill would not have gotten here if the gentleman from California (Mr. McKEON) and the gentleman from Nebraska (Mr. BARRETT) had not been so constantly demanding that it get to the floor. It would not have gotten orchestrated at all if the staff and the minority and the majority, including the gentleman from California (Mr. MARTINEZ), had not worked so hard to try to bring a bill that could be accepted.

Well, it is very important to the seniors. I should say it is very important to we seniors since I will depend on this program after January 3 of next year. So, again, I thank the gentlemen and the gentlewomen for putting together this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4½ minutes to the gentleman from Nebraska (Mr. BARRETT), one of the driving forces.

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Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise with great pleasure in support of H.R. 782, the Older Americans Act Amendments of 2000. Today's consideration of H.R. 782 does bring to the floor a very solid, very significant bipartisan legislative accomplishment that is 5 long years overdue.

The Older Americans Act, or OAA, provides a framework for a variety of services that supports seniors by helping them stay safe and healthy and active members of their communities. Our seniors today are the real winners. Getting to this point has taken nearly 2 years of bipartisan and, yes, I say to the gentleman from Pennsylvania (Mr. GOODLING), bicameral effort. I am so grateful to my colleagues in the body who, along with me, took up the challenge.

As the subcommittee chairman, the gentleman from California (Mr. McKEON), has already done and the gentleman from Pennsylvania (Mr. GOODLING) has done, I wish to thank the people that were primarily responsible for coming to this point today, especially the subcommittee chairman, the gentleman from California (Mr. McKEON); the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING); and the ranking member of the full committee, the gentleman from Missouri (Mr. CLAY); as well as the gentleman from California



(Mr. MARTINEZ). Without their consistent good faith and hard work, we would never have been able to reach the compromises that we did to make the solid policy reforms that we have made in this reauthorization.

I also want to thank the excellent staff on both sides of the aisle and also the Congressional Research Service who advised us throughout this long laborious process.

I am very proud of H.R. 782's reforms. Let me summarize just a few of the policies that we have strengthened through the reauthorization. We made changes to allow local senior centers and area agencies on aging to make local decisions about meeting their communities' needs. This includes programs like congregate and home-delivered meals, subsidized rides and van service, homemaker and chore services, and a variety of social activities.

We have added a family caregiver program to serve thousands of families who commit time, support and money to care for their chronically ill loved ones who are at home.

We have included language to prohibit waste, fraud and abuse of any OAA programs or funds.

We have worked to better the needs of Native Americans by strengthening existing services and making tribal organizations eligible to participate in disaster relief services as well as the family caregiver program.

We have updated the State long-term care ombudsman program and services for the prevention of elder abuse. Because of this change, States and local senior centers will now be better equipped to meet the needs of seniors in long-term care facilities.

We have worked hard to reach compromise on the most contentious part of this bill, which is title V. Working with those in the field who know the bill the best, we came to a compromise that I think everyone can support.

We have made OAA programs more available for seniors in rural America, very important to me, by requiring programs to take into account how they serve rural areas and adding a project to address the challenges of long-term care in some of our more remote frontier counties.

Finally, along with the new rural provisions, we have extended existing language to ensure OAA programs are available for minority seniors. We have also authorized existing programs to support gerontology studies in Historically Black Colleges and Hispanic institutions.

These and a lot of other changes will make the Older Americans Act an even more valuable and adaptable tool to meet the needs of our seniors. For the good of every senior across the country who participates in meals programs, for the seniors taking advantage of 40 million subsidized rides, for the 100,000 seniors in subsidized employment, and

for the millions of family caregivers, I ask each Member to join me in supporting reauthorization of the Older Americans Act. Every single senior in this country needs this bill, and they will not forget if we squander this opportunity.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ), who was the ranking member on the subcommittee as they put together this bipartisan-bicameral legislation.

Mr. MARTINEZ. Mr. Speaker, I started this bill as a Democrat, and I am finishing it as a Republican; but I think it does not matter because either way this is a bipartisan bill, and the issues before us that deal with the seniors have never been partisan. They have always been bipartisan.

In every Congress that I have served in the past 18 years, whenever we reauthorized the Older Americans Act, it was passed unanimously by the House and usually by the Senate also.

As the coauthor of this bill and the sponsor of the previous two reauthorizations of the Older Americans Act, I can truly say we can now say to our senior citizens that the security of the programs that are vital to them will not be jeopardized; but they, in fact, as the gentleman from Nebraska (Mr. Barrett) has laid out, will be enhanced.

I must give my highest praise to the tireless efforts of the chairman, the gentleman from Pennsylvania (Mr. GOODLING), in his work on this, and also my colleague, the gentleman from California (Mr. McKEON), and the gentleman from North Carolina (Mr. BALLENGER), as well as our colleagues in the other body, Senators JEFFORDS, DEWINE, and KENNEDY for bringing the Older Americans Act of 2000 to the floor for this important vote.

There were also other people that worked on the periphery of this bill: the gentlewoman from Missouri (Mrs. EMERSON) was one of those who was very interested in making sure we got passed a bill that we could all support; the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Pennsylvania (Mr. GREENWOOD), as well as several others. There are too many to mention that really had as their earnest desire to see this bill passed and the Older Americans Act finally reauthorized.

This act is key to the programs that provide nutrition, care services, and information and family support to seniors all across this Nation. This particular act today is holding our programs more accountable than they have been in the past, and they have created the ability for seniors to obtain employment, created greater flexibility for streamlining the administration, and provided greater inclusion of seniors who are underserved by this program.

More importantly, the 2000 amendments creates a new family caregiver

program to assist those who care for their frail and older family members. This was a great effort by the gentleman from North Carolina (Mr. BALLENGER) and myself to make sure this was included in the bill.

Mr. Speaker, as Americans, I have always believed that we owe a debt of gratitude to our seniors. They are the ones that have lead the way and paid their dues before we started to. As Members of the House, we must honor that debt and assist the seniors in their golden years by passing this Older Americans Act. It is the right thing to do, and it is the timely thing to do.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. As cofounder and cochairman of the Older Americans Caucus, I rise today in strong support of H.R. 782, the Older Americans Act Amendments of 2000, and would like to express my support for this most important piece of legislation.

America's population is aging, and more people are in need of special services and programs that provide them with opportunities to continue living healthy and productive lives. Recently, I met with the 50 State representatives of the Green Thumb Program. It was very inspiring to hear their success stories achieved as a result of the Older Americans Act. One gentleman was over 100 years old and still actively working.

After much work, dedication, and compromise, we have before us today legislation that amends and reauthorizes the Older Americans Act of 1965. Passage of this legislation will, among many other important things, enhance opportunities for seniors, while wisely using taxpayer dollars.

I especially commend the chairman of the committee and all who worked on this legislation for doing an excellent job.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), another member of the committee.

Mr. EHLERS. Mr. Speaker, it is a great pleasure to rise today to speak on behalf of this bill. We have struggled mightily with it in the Committee on Education and the Workforce. We have had substantial disagreements, but I am very pleased we have been able to resolve those disagreements and get this bill to the floor.

I continually hear from constituents about the importance of this bill and the activities that are carried out under the bill. It is something that they regard as very necessary, particularly for those who need assistance with meals. So I am very pleased that the bill is here.

I join with my colleagues who have spoken before. There is no need to repeat their words, but let me say that I



associate myself with their comments, and I urge that we soon bring this bill to a vote and that we do pass this bill. I hope the Senate will do likewise.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to thank the gentleman from Missouri (Mr. CLAY) of the minority, I want to thank the gentleman from California (Mr. McKEON) and the gentleman from Nebraska (Mr. BARRETT) for their constant pressure to make sure that we got this completed, and the gentleman from California (Mr. MARTINEZ) for his effort to put this legislation together. Above all, I want to thank the unsung heroes, and they are always the people who stay day and night trying to make sure that we do the right thing as Members: staff Cindy Herrle; Lynn Selmsner, who has been with me 942 years; Sally Lovejoy; Jo-Marie St. Martin; Erin Duncan, from the office of the gentleman from Nebraska (Mr. BARRETT); Karen Weiss from the office of the gentleman from California (Mr. McKEON); Mary Ellen Ardouny; Cheryl Johnson and Carol O'Shaughnessy from CRS. They played a leading role in making sure that we had this bipartisan-bicameral legislation before us today.

I ask all to support this legislation, Mr. Speaker, so we have a 100 percent vote on this important issue.

Ms. DEGETTE. Mr. Speaker, I am pleased to see that the House has finally seen fit to bring this important legislation to the floor. The seniors of our country have been waiting a long time for the valuable programs contained in this bill to be reauthorized.

While I will support passage of this bill, H.R. 782, I do so with great reluctance. Not because of what this bill does, but because of what it does not do. H.R. 782 does not recognize the changing demographics in our nation, and does not properly adjust the funding formula in Title III of the Older Americans Act. As a result, Colorado, along with other western and southern states, are being underfunded. This threatens our ability to meet the needs of our seniors.

I hope my colleagues understand that the funding formula for Title III of the Older Americans Act, which funds Supportive Services and Multipurpose Senior Centers, Nutrition Services including Congregate and Home Delivered Nutrition Programs (for example Meals on Wheels), Disease Prevention and Health Promotion Services Program, and the Family Caregiver Program, distributes funds in a manner that, according to the General Accounting Office, "... underfunds most states with above-average growth in their elderly populations, as compared with those states with below-average growth."

The formula we are about to vote on currently distributes 85 percent of the Older Americans Act total fiscal year 2000 grants for Title III based on how much funding each state received 13 years ago in 1987. Let me say that again, we are about to approve a formula that is based on 1987 population data. Only 15 percent of funds are actually distrib-

uted based on current population statistics. Therefore, funds are being distributed largely on where the elderly were over 13 years ago rather than where they are today. If this is what we want to call responsive government, then I think we are in trouble.

The General Accounting Office, in its report entitled "Title III, Older Americans Act: Administration on Aging Funding Method Underfunds High-Elderly-Growth States" released in June 2000, strongly recommends that the formula be amended by this Congress to more fairly distribute funds. Otherwise, as the report notes:

"... the gap in funding per elderly person can be large. For example, Arizona's funding per elderly person is 33 percent less than Iowa's under the AOA method ... AOA's distribution method underfunded 10 states by more than \$1 million each in fiscal year 2000 (Arizona, California, Colorado, Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Texas and Virginia) and overfunded 7 others by more than \$1 million (Illinois, Massachusetts, Missouri, New Jersey, New York, Ohio and Pennsylvania)."

It troubles me that this bill has been in committee throughout the 106th Congress and finally comes to the floor with such an inappropriate funding formula. This issue must be addressed. It is not fair to the seniors in Colorado, Nevada, Arizona, New Mexico, South Carolina, Florida, North Carolina, Texas, Georgia, Washington, Virginia, California, Oregon, Maryland, Tennessee, and Puerto Rico.

Because it does not appear that there is the desire to right this wrong today, I plan to introduce legislation in the 107th Congress that will correct this problem.

Mr. DEFAZIO. Mr. Speaker, I'm pleased to rise in strong support of H.R. 782, legislation reauthorizing and amending the Older Americans Act (OAA) and to commend my colleagues for their recent bipartisan efforts to bring this critically important legislation to the floor.

Last year, JO ANN EMERSON and I introduced H.R. 773 a bill to reauthorize the OAA. Our reauthorization bill received the bipartisan support of 233 cosponsors and was supported by all major seniors organizations and advocacy groups. Unfortunately, our efforts to reauthorize the OAA were stalled by the House Republican leadership, and an attempt was made to bring an OAA bill to the floor that was not supported by seniors groups.

In an effort to allow a vote on H.R. 773 this year, Representative MINGE and I filed a discharge petition, which to date has 191 signatures. I'm proud that these efforts, and grass roots activism has contributed to the compromise legislation on the floor today. This bill, H.R. 782, represents a bipartisan compromise that is supported by all the major seniors groups.

Throughout its 35 year history, the OAA has enjoyed strong bipartisan support. The OAA is the major vehicle for the delivery of social and nutrition services for older persons. However, the OAA has not been reauthorized since the program expired in 1995. Its programs continue to be funded, but without reauthorization the program's growing needs cannot be met. The typical recipients of Older Americans Act services are women over 75, living on a fixed

and very limited income, who need daily help in preparing meals or weekly transportation to a doctor. People over age 75 represent the fastest growing segment of the American population. The primary goal and success of the community service programs, authorized by the OAA, has been to keep millions of frail older persons independent in their own homes as long as possible, avoiding premature institutionalization, and thus saving Medicare and Medicaid resources.

The OAA provides a wide range of home and community based services in every locality in the nation. These services include congregate and home delivered meals, in-home care, transportation assistance, elder abuse protection and adult day care. In addition the OAA authorizes funding for nursing home ombudsman services, senior employment programs, senior centers, legal assistance and counseling, and millions of hours of volunteer service by seniors for other seniors are provided. Waiting lists of frail elders in need of these community services exist in almost every town and city in the nation. H.R. 782 will help meet this critical need. I encourage all Members to vote in favor of this legislation.

Mrs. EMERSON. Mr. Speaker, I rise today in strong support of H.R. 782, reauthorization of the Older Americans Act (OAA). I'd like to commend Chairman BILL GOODLING, Chairman BUCK McKEON, Ranking Member BILL CLAY, and all the Members of the Education and Workforce Committee for their hard work on this important bill.

Mr. Speaker, after a lifetime of hard work, our retirement years should be the best years of our lives. All Americans should be able to look forward to their golden years as a time for new opportunities and to pursue new learning experiences—no matter what challenges aging may present. Most importantly, each of us should be able to enter into our retirement with the confidence and security that come with knowing that we will not be isolated or forgotten by our communities or government.

One of the simplest ways to ensure that all of these goals are met is to reauthorize the Older Americans Act. Unlike funding from many other federal government programs that pay for long term care, OAA funds allow seniors to age with dignity and respect. By linking seniors with a variety of existing federal, state, and local home and community based services, seniors now have the ability to remain in their own homes and communities as they grow older. Some of these services include home-delivered and congregate meals, transportation, employment services, chore and personal care, legal assistance, elder abuse protections, nursing home ombudsman, senior employment, adult day care, senior centers, legal assistance and counseling as well as many other unique programs. Even more importantly, this broad array of services is available in just about every community in the nation.

One of the most beneficial OAA programs in my district is the Senior Community Service Employment Program (SCSEP). This program is the nation's only employment and training program aimed exclusively at low-income older Americans. It serves over 90,000 low-income elderly persons every year, keeping them active and involved in their communities,

not isolated at home. It provides them with the opportunity to make important contributions to their communities and to learn new skills, while enhancing their sense of dignity and self-esteem. I am very pleased that this bill allows groups like Greenthumb, just one group that helps to administer the SCESEP, to continue the wonderful job they've been doing in placing seniors in worthwhile employment positions. Greenthumb has been especially important to seniors in hard to reach areas—including rural areas like those in my district, and I am glad that H.R. 782 continues to support Greenthumb's important mission.

Our nation's seniors have given a lifetime of service. Reauthorizing the Older Americans Act allows us to give back to the seniors who have made our country what it is today, and I urge all my colleagues to support this important legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 782. This bipartisan, bicameral piece of legislation reauthorizes the Older Americans Act through fiscal year 2004, and makes a number of improvements to serve a rapidly expanding senior population.

I commend Chairman GOODLING and Representatives MCKEON, BARRETT, CLAY, and MARTINEZ for their hard work on reaching a compromise on this bill and would also like to applaud my colleague from Oregon, Congressman DEFazio.

I am particularly pleased H.R. 782 reauthorizes the senior nutrition programs originally authorized under the Older Americans Act. Specifically, under the legislation, states' flexibility to transfer funds between congregate and home-delivered nutrition programs and between supportive services and nutrition services programs is increased.

The congregate and home delivered meal programs address both the nutritional and social needs of many seniors. In point of fact, a 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy.

According to the study, participants in the program are among our most vulnerable population—they are older, poorer and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every federal dollar spent on congregate meals, other funding sources contribute \$1.70.

Few programs can boast the importance to the elderly and overwhelming success of the elderly nutrition as senior nutrition programs. Because both the congregate and home delivered meal programs were authorized by the Older Americans Act, which expired at the end of FY 95, it is imperative this Congress pass a reauthorization bill.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services including meals and transportation provided by this important legislation.

Older Americans have also benefitted from research and demonstrations under the Act that enable policymakers to update services based on best practices, and senior community service employment that provide on-the-job training.

The Older Americans Act authorizes a wide array of service programs through a nationwide network of 57 state agencies on aging, 657 area agencies on aging and 25,000 service providers. Under the Older Americans Act, states receive funding for supportive services and senior centers, congregate and home-delivered meals, Department of Agriculture commodities or cash-in-lieu of commodities, preventative health services, and in-home services for the frail elderly.

These services are available to all seniors but are targeted to those with the greatest economic and social need, particularly low-income, minority seniors.

In addition, the Act authorizes services for transportation information and referral, home care, research and recreation, and grants for abuse prevention and outreach counseling.

There are few communities within the country where Older Americans Act programs do not exist, and the demands on the programs for the elderly are increasing.

Mr. Speaker, it would be irresponsible of this Congress to fail to reauthorize the Older Americans Act, and I urge my colleagues on both sides of the aisle to support this consensus legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 782, the Older Americans Act Amendments of 2000. The Older Americans Act is a critical source of funding for seniors that we have an opportunity to renew this year. Mr. Speaker, I can think of few pieces of this carefully crafted legislation that have such a tremendous impact on older Americans.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons—especially those with disabilities—to remain independent and productive. Many of these individuals would have been institutionalized, were it not for the home and community-based services such as meals and transportation provided by this landmark legislation. Older persons have also benefited from research and demonstrations under this Act that enables policymakers to update services based on best practices, and senior community service employment that provides training for those who need the work.

This bill authorizes \$1.6 billion in FY 2000 under the bill. The measure does more than reauthorize existing—albeit important programs. It establishes a new program to assist caregivers, and changes the distribution funds under the seniors employment program so that states would get a larger proportion of funds, and national organizations would get a smaller proportion, than they currently do. We only hope this provides states with adequate flexibility in administering OAA programs.

The bill provides \$449 million in funding for the Senior Community Service Employment program, which provides employment opportunities for low-income seniors aged 55 and over. The legislation would gradually shift funds over a five-year period from national organizations to states, on a fixed percentage. The bill requires states, to the maximum extent possible, to ensure that no senior loses his or her job as a result of this shift in funding. I would not have supported this bipartisan provision within the bill if the AARP—one of our nation's premier seniors' organizations—did

not also strongly support this legislation as it is written.

H.R. 782 contains resources for a number of other important issues that are of great concern for seniors. The bill includes funding for \$306 million for supportive services and senior centers; \$382 million for congregate meals; another \$114 million for much-needed home-delivered meals (the "meals on wheels" programs); \$150 million for Agriculture Department funding; at least \$125 million for family caregiver as noted above; and \$12 million for the well-known ombudsman and elder abuse prevention program.

H.R. 782 deserves our support. We cannot adjourn for the 106th Congress without ensuring that seniors are adequately provided for. I urge my colleagues to vote in favor of this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 782, the reauthorization of the Older Americans Act.

I am pleased to see that this Congress has finally come together to reauthorize this vital legislation, after several years of failing to reach agreement and passing only annual appropriations to keep it going. The Older Americans Act is essential to this nation's older citizens. It funds a wide array of supportive services, including home care and ombudsman services for long-term care facility residents, a subsidized employment program, and provides new authority for a National Family Caregiver Support Program which will assist families who care for the frail elderly.

There is no question that as this nation's baby boomers age and as people are living longer, the challenges of aiding and providing for the elderly must be met. With the reauthorization of the Older Americans Act until 2005, Congress will ensure that the needs of our seniors will continue to be at the forefront.

I would also like to draw attention to one particular program being reauthorized in the Older Americans Act, the elderly nutrition program. This program provides over 240 million congregate and home-delivered meals to over 3 million older persons annually. Senior meal providers depend on the funding received through this program, yet the funding has remained static year after year. With the rising cost of meals and the increasing numbers of seniors dependent on meals, senior meal providers have been facing great hardships in meeting the needs of these seniors.

In response to this problem, I worked very hard with my colleague Mr. BOEHLERT to increase the funding for the USDA reimbursements provided through this elderly nutrition program. I am pleased to say that we successfully offered an amendment to the Department of Agriculture appropriations bill to increase these reimbursements. I would like to thank the conferees for paying attention to our amendment, and increasing the USDA reimbursements by \$10 million over the amount originally funded. I hope that this increase will provide a measure of assistance to these senior meal providers who do so much for this nation's elderly, and I am pleased to support today's legislation as a continuation of the necessary and important effort to provide for our seniors.

Mr. MILLER of Florida. Mr. Speaker, back in April when this House originally was slated to

vote on this matter, I came to this floor to denounce the draft of the Older Americans Act and to vote against it under suspension because I believed it was unfair to Florida. CLAY SHAW, CARRIE MEEK, BILL MCCOLLUM, and I and the rest of the entire delegation from Florida wrote to the authorizers to demand that the funding formula under Title III, the formula that distributes money for programs such as Meals on Wheels, be changed to reflect modern realities.

The draft of H.R. 782 used 1987 Census data to distribute money. We all know that there are more seniors in Florida today than there were in 1987. Our nation just spent over \$6.5 billion to get the best Census data possible but this Congress would essentially ignore it by passing a 5 year reauthorization locking in 1987 data to the year 2003.

I want to thank Chairman GOODLING and Subcommittee Chairman MCKEON, and Mr. MARTINEZ and Mr. CLAY for their willingness to be flexible to the concerns raised by the Florida delegation. The art of compromise is important and is the result of hard work by many members on both sides of the aisles. This final version is not 100 percent of what I wanted, but it is much better for Florida than the status quo. As such, I want to thank them for their leadership in seeking to resolve questions.

The compromise applies to all new monies in Title III. The agreement would clarify that funds for Title III supportive and nutrition services be distributed to states based on the most recent U.S. Census Bureau population data (as compared to the current practice which allocates funds to states based, in part, on a 1987 "hold harmless" provision). But it also specifies that no state is to receive less than it received in FY2000, and that, when there is an increase in funding above the FY2000 level, every state is to receive at least a portion of such increase (at least 20 percent of my percentage increase in funds above the FY2000 level).

Beyond the Meals on Wheels program, I am excited about the other aspects of this program. This bill contains:

New flexibility and modernization to better serve this changing population while encouraging state innovation;

Notable and substantial reform of Title V of the Act, the Senior Community Service Employment Program (SCSEP).

Emphasis on ombudsman programs, and prevention of elder abuse, neglect and exploitation.

Authorization of a National Family Caregivers Support Program—offering support to family members, or other individuals who provide in-home and community care to older individuals. This may include information to caregiver about available services, assistance in gaining access to services, counseling, organization of support groups and caregiver training for problem solving. In addition, it is designed to offer respite care to caregivers.

Once again, I thank the Chairman for yielding and all his fine work on this legislation. This legislation is another senior friendly accomplishment of this Congress that will make an important difference in the lives of many seniors.

Mr. PAUL. Mr. Speaker, I am pleased to take this opportunity to express my opinion on

the Older Americans Act Reauthorization (H.R. 782) and explain why I must vote against this bill. Of course, I support efforts to ensure America's senior citizens have access to employment, nutritional and other services; however the federal government is neither constitutionally authorized nor competent to provide such services.

Under the tenth amendment, the federal government is forbidden from interfering in areas such as providing employment and nutritional services to any group of citizens. Thus, when the federal government uses taxpayer funds to support these services, it is violating the constitution. In a constitutional republic, good intentions are no excuse for constitutional carelessness.

Furthermore, Mr. Speaker, by involving itself in these areas, the federal government has politicized the offering of these services as well as assured inefficiencies in their delivery—inefficiencies that would not be present if the federal government respected its constitutional limits and allowed states, local communities and private citizens to provide these vital services to seniors. For example, one of the most contentious areas of this bill is the funding that goes to private organization to provide employment services. Many of these organizations are involved in partisan politics, and, because money is fungible, the federal grants to these organizations make taxpayers de facto underwriters of their political activities. As Thomas Jefferson said: "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is both sinful and tyrannical." This "sinful and tyrannical" action is inevitable whenever Congress exceeds its constitutional limitations and abuses the taxing power by forcing citizens to support the charitable activities of congressionally-favored organizations. One reason for this is that federal funding encourages these organizations to become involved in lobbying in order to gain more federal support. These organizations may even form alliances with other advocacy groups in order to build greater support for their cause.

When social services are nationalized, there is inevitably waste and inefficiency in the distribution of the services. This is because when the government administers social services the lion's share of those services are provided to those with the most effective lobby or those whose Congressional representative is able to exercise the most clout at appropriations time. While I applaud the efforts of certain of my colleagues on the Education and Workforce Committee to direct resources to where they are truly needed, particularly Mr. Barrett's efforts to bring more resources to rural areas, the politicization of social services will inevitably result in some areas receiving inadequate funding to meet their demand for those services. I have little doubt that if these programs were restored to the private sector those areas with the greatest concentration of needy seniors would receive priority over those areas with the most powerful lobby.

There are ways to ensure that seniors have opportunities for productive lives without violating the constitution and politicizing charity. One way is to repeal the social security earnings limit, which punishes seniors who continue to work in the private sector. Another

way is through generous tax credits and deductions for taxpayers who support charitable organization designed to provide services to individuals. Finally, the best way to aide the nation's seniors, and those who are about to be seniors, is to stop raiding the nation's social security system to finance other unconstitutional programs. This is why the first piece of legislation I introduced this year was The Social Security Preservation Act (H.R. 219), which would ensure that social security monies would be spent on social security. I was also a cosponsor of the legislation to end the earnings limit, which passed the House of Representatives this year. I am also cosponsoring several pieces of legislation to allow people to use more of their own resources to help the needy by expanding the charitable tax deduction.

Mr. Speaker, several years ago, when people still recognized their moral duty to voluntarily help their fellow humans rather than expect the government to coerce their fellow citizens to provide assistance through the welfare state, my parents were involved in a local Meals-on-Wheels program run by their church. I remember how upset they were when their local program was forced to conform to federal standards or close its program because Congress had decided to take control of delivering hot food to the elderly. It is time that this Congress return to the wisdom of the drafters of the Constitution and return responsibility for providing services to the nation's seniors to states, communities, churches, and other private organizations who can provide those services much more effectively and efficiently than the federal government.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 782, a bill to reauthorize and make amendments to the Older Americans Act. I urge my colleagues to join in lending their support to this essential legislation.

H.R. 782 reauthorizes the Older Americans Act through FY 2004. In doing so, it provides funds for the administration on aging, various native American programs for the elderly, important state and local programs for the elderly, like nutrition and family care-giver services, state run elder abuse prevention programs, and senior employment programs. All of these are vital services which are dependent upon congressional authorization and appropriating.

The legislation also seeks to improve services to the elderly through the establishment of an "aging network." Under this program, funding formulae will be changed so that a given state's portion is based directly upon its share of the senior population. At the same time, however, a funding floor is established, so that no state will see its funded amount drop below FY 2000 levels. Moreover, by accepting these funds, the states will have to provide a comprehensive plan to ensure that the needs of its rural elderly citizens are being addressed.

H.R. 782 further seeks to improve services available to the elderly through the creation of the national family care-giver support program. This program will aid families in caring for elderly parents or other relatives, as well as for grandparents who are forced to care for their grandchildren, an increasingly common phenomenon. The services available include: information on accessing services, counseling

and support training, respite care and other supplemental assistance.

Moreover, Mr. Speaker, this bill authorizes \$475 million for FY 2001 for the senior community service employment program, which assists low-income seniors in gaining employment and subsidizes those efforts.

As our population continues to age, it is vital that the Congress act to ensure that our senior citizens have access to adequate nutrition and increasingly, employment, services. Likewise, with many families opting to provide direct care for their elderly relatives, rather than relying on traditional nursing homes, we are finding that the Federal Government, along with the various states, can do much to facilitate their efforts.

This bill reauthorizing and amending the Older Americans Act is being considered at a critical moment. For this reason, and those outlined above, I urge my colleagues to hasten its adoption.

Mr. TIERNEY. Mr. Speaker, I rise today in support of H.R. 782, the Older Americans Act Amendments. The reauthorization of the Older Americans Act is five years overdue, and it is time for Congress to show its support for our nation's seniors by passing this important bipartisan legislation. I applaud the efforts of my colleagues in the Senate, particularly Senator KENNEDY, for making this bill, which is so important to our nations seniors, a legislative priority.

I think we can all agree that renewing our commitment to older Americans is an important legacy for the 106th Congress. The Older Americans Act includes crucial programs such as the elderly nutrition program, which provides 240 million meals to over 3 million older persons each year, as well as the Senior Community Service Employment Program, which provides part time employment opportunities in community service activities to low-income seniors. Both of these programs are instrumental in ensuring that older Americans enjoy their golden years without having to constantly worry about where their next meal will come from.

A key addition to the Older Americans Act in H.R. 782 is the National Family Caregiver Support Program. I was very pleased the Committee adopted the amendment I offered to boost the authorizing level of this program to \$125 million. This funding level is vital. About 4.4 million people in the United States over the age of 65 require long-term care due to a functional disability. All too often the needs of older Americans and the family members that care for them create an undue burden on the quality of life of the entire family. This legislation would authorize \$125 million to establish a new program that would provide grants to states for supporting the crucial role of family members in the care of their loved ones, by, for example, providing respite care and adult care to complement the care provided by family.

The National Family Caregiver Support Program is just one of the many initiatives in the Older Americans Act that promises to improve the lives of some of our nation's neediest and most neglected citizens. I urge my colleagues to stand with me in support of this important legislation. We owe it to our nation's seniors.

Mr. KIND. Mr. Speaker, I am pleased to rise in support of the Older Americans Act Amend-

ments of 2000 (H.R. 782). It is impressive that during the waning days of Congress, we could reach a bipartisan, bicameral agreement on this important legislation.

Since its enactment more than thirty years ago, the Older Americans Act has enabled millions of older persons, especially those with disabilities, to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services such as meals and transportation provided by the landmark legislation. The nutrition programs, including Meals on Wheels, provided about 240 million congregate and home-delivered meals last year to more than three million of our nation's senior citizens. Older Americans have also benefited from the Senior Community Service Employment program that provides on-the-job training for those who needs work.

As a member of the Committee on Education and the Workforce, I have worked diligently with my colleagues to reach a consensus on reauthorization, and this legislation before us addresses a number of critical issues. One of the biggest debates during committee consideration was funding for the Senior Community Service Employment program. H.R. 782 ensures that no state will receive less than it received in FY2000 and every state is guaranteed a certain percentage of any new money that is appropriate above the FY2000 level. In addition, no national organization, such as Green Thumb, will receive less than what is needed to match its effort in FY2000. Further, this legislation continues to target resources to the seniors who are most in need and ensures that funds are more equitably distributed between urban and rural areas.

The size of the elderly population will begin to dramatically increase in the next decade, putting greater demands on the time and energy of family caregivers. We need to explore ways to support our families when they are called upon to fill these vital roles. I am pleased that H.R. 782 includes the National Family Caregiver Support Program. Modeled after efforts begun in Wisconsin and elsewhere, it would provide grants to states for the following services: (1) information to caregivers about available services; (2) assistance to caregivers in gaining access to services; and (3) counseling and training to help families make decisions and solve problems related to their caregiving roles.

I know how important the Older Americans Act is to millions of seniors, particularly those in rural regions such as western Wisconsin. That is why I urge my colleagues to support this bipartisan legislation and demonstrate our continued commitment to our nation's seniors.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 782, the Older Americans Act Amendments.

The Older Americans Act has provided care and services to our nation's elderly population through many programs, including meals on wheels, congregate meals, home care, adult day care, senior centers, senior transportation, job training programs, a long term care ombudsman, and abuse prevention and elder rights.

In particular, this Member feels the National Family Caregiver Support Program is an im-

portant provision which aids families in caring for their elderly relatives, for grandparents caring for grandchildren and other related children. By providing care and extending the ability of an aging family member to stay at home, family caregivers reduce long-term costs to Medicaid. The ability to provide respite for those who care for an ailing family member has proven to reduce stress and burnout of these individuals who provide such an invaluable service to their family. Services provided through respite include information and assistance in gaining access to services, counseling, support and caregiver training, respite care, and additional supplemental services.

Mr. Speaker, this Member would like to thank my colleague from Nebraska, Mr. BARETT, for introducing this important piece of legislation. It provides important services that many seniors rely on and this Member encourages my colleagues to support it.

Mr. LOBIONDO. Mr. Speaker, I rise today to congratulate all those who have worked so hard to make the reauthorization of the Older Americans Act (OAA) a reality. This authorization means more than just the mechanics of legislation. It is about senior citizens, and how their lives have been changed for the better by the successful federal, state and local partnerships that have prospered under the OAA.

OAA programs are critical to the long-term benefit of seniors. With the population of senior citizens about to skyrocket with the addition of the "baby boom" generation, OAA programs represent a cost-efficient and effective means to provide a community safety net for the elderly. The continuing popularity of Meals-on-Wheels and Green Thumb programs in states—which have been very successful in bringing isolated and idle elderly back into the community fold—are testimony to the continued need for a federal, state, and local partnership oriented to the care of senior citizens.

These are programs I have seen working at home in my Congressional district, located in Southern New Jersey. I have delivered meals to seniors and can tell you from personal experience that the looks on their faces, when we come to their door with a hot meal, is by itself reason enough to reauthorize the OAA. I have seen countless numbers of senior citizens in my district whose lives have been enriched by Green Thumb. In utilizing their ample skills and experience, we are giving seniors a renewed purpose in their lives by offering them a chance to re-join the workforce.

Mr. Speaker, the OAA is a federal program with two essential ingredients: cost-efficiency and a record of success. In short, OAA programs represent a safety net, and have kept seniors from sitting idle and becoming isolated from their community.

By reauthorizing the OAA, Congress will reaffirm its commitment to caring for our seniors and retirees. I am very pleased that this important program will continue to enrich and improve the quality of life of America's seniors.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 782, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COMPUTER SECURITY ENHANCEMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2413) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2413

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Enhancement Act of 2000".

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies by industry should be driven by market forces rather than by Government imposed requirements.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems; and

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems.

### SEC. 3. VOLUNTARY STANDARDS FOR PUBLIC KEY MANAGEMENT INFRASTRUCTURE.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (8), and (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) upon request from the private sector, to assist in establishing voluntary interoperable standards, guidelines, and associated methods and techniques to facilitate and expedite the establishment of non-Federal management infrastructures for public keys that can be used to communicate with and conduct transactions with the Federal Government;"

### SEC. 4. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)), as amended by section 3 of this Act, is further amended by inserting after paragraph (4), as so redesignated by section 3(1) of this Act, the following new paragraphs:

"(5) except for national security systems, as defined in section 5142 of Public Law 104-106 (40 U.S.C. 1452), to provide guidance and assistance to Federal agencies for protecting the security and privacy of sensitive information in interconnected Federal computer systems, including identification of significant risks thereto;

"(6) to promote compliance by Federal agencies with existing Federal computer information security and privacy guidelines;

"(7) in consultation with appropriate Federal agencies, assist Federal response efforts related to unauthorized access to Federal computer systems;"

### SEC. 5. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In carrying out subsection (a)(2) and (3), the Institute shall—

"(A) emphasize the development of technology-neutral policy guidelines for computer security practices by the Federal agencies;

"(B) promote the use of commercially available products, which appear on the list required by paragraph (2), to provide for the security and privacy of sensitive information in Federal computer systems;

"(C) develop qualitative and quantitative measures appropriate for assessing the quality and effectiveness of information security and privacy programs at Federal agencies;

"(D) perform evaluations and tests at Federal agencies to assess existing information security and privacy programs;

"(E) promote development of accreditation procedures for Federal agencies based on the measures developed under subparagraph (C);

"(F) if requested, consult with and provide assistance to Federal agencies regarding the selection by agencies of security technologies and products and the implementation of security practices; and

"(G)(i) develop uniform testing procedures suitable for determining the conformance of commercially available security products to the guidelines and standards developed under subsection (a)(2) and (3);

"(ii) establish procedures for certification of private sector laboratories to perform the tests and evaluations of commercially available security products developed in accordance with clause (i); and

"(iii) promote the testing of commercially available security products for their conformance with guidelines and standards developed under subsection (a)(2) and (3).

"(2) The Institute shall maintain and make available to Federal agencies and to the public a list of commercially available security products that have been tested by private sector laboratories certified in accordance with procedures established under paragraph (1)(G)(ii), and that have been found to be in conformance with the guidelines and standards developed under subsection (a)(2) and (3).

"(3) The Institute shall annually transmit to the Congress, in an unclassified format, a report containing—

"(A) the findings of the evaluations and tests of Federal computer systems conducted under this section during the 12 months preceding the

date of the report, including the frequency of the use of commercially available security products included on the list required by paragraph (2);

"(B) the planned evaluations and tests under this section for the 12 months following the date of the report; and

"(C) any recommendations by the Institute to Federal agencies resulting from the findings described in subparagraph (A), and the response by the agencies to those recommendations."

### SEC. 6. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 5 of this Act, the following new subsection:

"(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary in accordance with subsection (a)(4). The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

"(2) There are authorized to be appropriated to the Secretary \$1,030,000 for fiscal year 2001 and \$1,060,000 for fiscal year 2002 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects."

### SEC. 7. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by adding at the end the following new subsection:

"(g) The Institute shall not promulgate, enforce, or otherwise adopt standards, or carry out activities or policies, for the Federal establishment of encryption standards required for use in computer systems other than Federal Government computer systems."

### SEC. 8. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended—

(1) in subsection (b)(9), as so redesignated by section 3(1) of this Act, by inserting "to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems" after "Management and Budget";

(2) in subsection (e), as so redesignated by section 5(1) of this Act, by striking "shall draw upon" and inserting in lieu thereof "may draw upon";

(3) in subsection (e)(2), as so redesignated by section 5(1) of this Act, by striking "(b)(5)" and inserting in lieu thereof "(b)(8)"; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 5(1) of this Act, by inserting "and computer networks" after "computers".

### SEC. 9. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (40 U.S.C. 759 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new paragraph:

"(3) to include emphasis on protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks."